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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

JEANETTE BLAND,

Defendant.

No. CR 07-0670-01 JSW

UNITED STATES' SENTENCING
MEMORANDUM

Date: March 6, 2008
Time: 2:30 p.m.

Defendant Jeanette Bland has pleaded guilty to a single count of conspiracy to commit bank fraud, in violation of 18 U.S.C. § 371, pursuant to Rule 11(c)(1)(C) of the Federal Rules of Criminal Procedure. She is scheduled to be sentenced by this Court on March 6, 2008. The United States respectfully requests that this Court sentence defendant to 3 years of probation, no fine, \$11,965 in restitution, to be paid jointly and severally with Patrice Raven, defendant in CR 07-0671 JSW, and a \$100 special assessment.

A. The Applicable Sentencing Range Under the Guidelines is 0-6 Months.

Under the advisory Sentencing Guidelines, defendant's base offense level for the instant offense is 6. U.S.S.G. § 2X1.1(a) (cross-referencing U.S.S.G. § 2B1.1). The loss in the case was

UNITED STATES' SENTENCING MEMORANDUM
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1 between \$10,000 and \$30,000, which results in an increase of four levels to the base offense
2 level. U.S.S.G. § 2B1.1(b)(1)(C). Defendant receives a two-point deduction for acceptance of
3 responsibility, U.S.S.G. § 3E1.1(a). These calculations result in an offense level of 8. As
4 calculated by the Probation Office, defendant's criminal history category results in 1 criminal
5 history point, which places her in criminal history category I under the Sentencing Guidelines.
6 U.S. Sentencing Guidelines Manual ch. 5, pt. A. Combining these figures yields a sentencing
7 range of 0-6 months under the guidelines. *Id.* As defendant's guideline range falls within Zone
8 A of the Sentencing Table, a sentence of imprisonment is not required. U.S.S.G. § 5C1.1(b).

9 B. A Sentence of 3 Years of Probation is Reasonable in This Case.

10 The United States urges this Court to accept the sentence agreed upon in the plea
11 agreement and recommended by the Probation Office. Such a sentence is substantively
12 reasonable and is well supported by the nature of the offense and the history and characteristics
13 of the defendant. 18 U.S.C. § 3553(a). Defendant wilfully defrauded four banks. This
14 recidivism merits a significant penalty, which the United States believes a federal felony
15 conviction provides.

16 On the other hand, defendant has no history of criminal violence. She has expressed
17 remorse for the crime and has stated that she intends to repay the stolen funds. (PSR ¶ 24.)
18 Defendant is currently employed in a position working with individuals with mental disabilities.
19 (PSR ¶ 50.) In addition, she has recently secured her high school diploma. (PSR ¶ 51.) A
20 probation sentence will afford defendant an opportunity to pursue the lawful path that such
21 achievements suggest while at the same time ensuring that she remains under close supervision.
22 The United States Attorney's Office in Nebraska, which originally charged this case, as well as
23 the case agent who led the investigation, concur in this sentence. Indeed, the Assistant United
24 States Attorney in Nebraska responsible for this case negotiated this agreement with defendant
25 and believes it is substantively reasonable for the reasons set forth above.

1 C. The United States Respectfully Requests that this Court Order that Defendant is Jointly
2 and Severally Liable for \$11,965 in Restitution.

3 When the parties negotiated the plea agreement in this case, they believed that the
4 relevant banks had suffered an actual loss of \$21,000. Since the United States had already
5 recovered \$16,035; \$4,965.00 remained to be paid in restitution. The plea agreement, therefore,
6 named this amount as the restitutionary figure. (Plea Agreement at ¶ 2.) The Probation Officer's
7 investigation, however, revealed that the banks suffered an actual loss of \$28,000, leaving
8 \$11,965 to be paid in restitution.

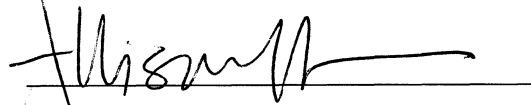
9 Both parties agree that \$11,965 is the correct figure for restitution, and the United States
10 consents to a modification of the terms of the plea agreement to reflect this amount. The United
11 States respectfully requests that this Court order defendant Bland to pay \$11,965 in restitution, to
12 be paid jointly and severally with Patrice Raven, defendant in CR 07-0671 JSW.

13 For the reasons set forth above, the United States respectfully requests that this Court
14 sentence defendant to 3 years of probation, no fine, \$11,965 in restitution, to be paid jointly and
15 severally with Patrice Raven, defendant in CR 07-0671 JSW, and a \$100 special assessment.

16
17 DATED: February 28, 2008

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19 Respectfully submitted,

20 JOSEPH P. RUSSONIELLO
21 United States Attorney

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23 ALLISON MARSTON DANNER
24 Assistant United States Attorney
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